



EXTRAORDINARY

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BHUBANESWAR DEVELOPMENT AUTHORITY

NOTIFICATION

The 31st December 2008

No. 11166-BDA.—The Government of Orissa have further extended the scheme for Regularisation of Unauthorized/Deviated construction through compounding published in *Orissa Gazette* (Extraordinary) vide No. 2535, dated the 31st December 2007 till the 30th June 2009 by incorporating certain modifications therein. The modified scheme is as under :

MODIFIED SCHEME

REGULARISATION OF UNAUTHORISED / DEVIATED CONSTRUCTIONS THROUGH COMPOUNDING

1. SHORT TITLE AND COMMENCEMENT :

- (i) This Scheme is called "Regularisation of unauthorized/deviated constructions through compounding".
- (ii) The scheme shall be applicable to Development Plan Area of Bhubaneswar Development Authority.
- (iii) The scheme shall come into force from the date of its publication in the *Orissa Gazette*.

2. DEFINITIONS :

In the scheme, unless the context otherwise requires,--

- (i) "Approved Plan" means building plan approved by Bhubaneswar Development Authority, Bhubaneswar, erstwhile Bhubaneswar Regional Improvement Trust & Special Planning Authority, Urban Local Body, Government Agency empowered under Provision of Act/Rule made from time to time;
- (ii) "Unauthorised Construction" means construction undertaken in contravention of the approved plan and without any approval/sanction of the Competent Authority;
- (iii) Words and expressions used in this scheme but not defined shall have the same meaning as assigned to them in the O.D.A. Act, 1982, O.D.A. Rules, 1983 and Planning and Building Standards Regulations 2001 of Bhubaneswar Development Authority;

- (iv) "Prohibited area" means construction undertaken within 1 meter set back of the property line inside the premises.
- 3. (A) The sub division of lay out plans undertaken unauthorisedly within the jurisdiction of Bhubaneswar Development Authority shall also be covered under this scheme provided that the lay out plans fulfills the requirements of the Regulation in force. The unauthorized lay out plan shall be regularised on compounding on payment of Rs.150 per Sqm. on the developed land.

THE SCHEME :

- (i) The scheme is applicable only to unauthorised / deviated construction undertaken within the jurisdiction of Bhubaneswar Development Authority prior to the date of notification of this scheme.
- (ii) The scheme is intended to give one time opportunity to Individuals/ Agencies for regularizing their unauthorised / deviated constructions by way of compounding at the rates indicated.
- (iii) The unauthorised / deviated constructions undertaken after the date of publication of the scheme shall not be covered under this scheme.
- (iv) No application under this scheme shall be received after expiry of a period of six months from the date of its publication in the *Orissa Gazette*.
- (v) The buildings with unauthorised / deviated constructions once regularised under this scheme shall not be considered for further regularisation. Those, who do not apply under the scheme within the stipulated time period shall not be eligible to avail the opportunity subsequently.
- (vi) At least 50% of the Compounding fee collected shall be utilized for development purposes by the Development Authority. In case of compounding fee collected towards regularization of parking deficit area , in respect of commercial/mixed land use building the fund so collected by the Authority shall be utilized for development of parking facilities at appropriate locations.
- (vii) The scheme is applicable where the Plot owner has a clear title deed and construction made is structurally safe and does not affect any public interest or interfere with any public activity.
- (viii) The permission to regularise/compound construction will not conform any right, title and interest over the land.
- (ix) In case of multi-storied buildings, the applicant would have to obtain N.O.C. from Bhubaneswar Municipal Corporation & Fire Services and would submit a Structural Stability Certificate in the prescribed format. The following are the additional requirements in case of regularization of multi-storied buildings :--
 - (a) The width of the adjacent road shall not be less than 12 meters.
 - (b) The regularization of multi-storied building cases, shall be placed before the D.P. & B.P. Committee and then in the Authority.

- (c) In case of multi-storied buildings with 15 Mtrs. and above height, clearance from Fire Safety Departments, Bhubaneswar Municipal Corporation and Structural Stability Certificate from a Registered Structural Engineer / firm shall be submitted before regularization of such construction.
- (x) The differential amount already deposited by the applicants under the ongoing scheme shall be refunded by the Authority.

NOTE :---The above stipulations are over & above the general restrictions regarding encroachment of roads, nallah, drainage channels and sarbasadharana land which can not be regularized by compounding.

4. RESTRICTIONS ON COMPOUNDING :

Compounding of an offence pertaining to unauthorised construction shall not be done in case:

- (i) Where construction has been undertaken on Government land or land belonging to local body or land not owned by the person undertaking such development.
- (ii) Where construction has been undertaken unauthorisedly within the prohibited limits of any protected or archaeological monument declared area as such by Archaeological Survey of India/ State Archaeological Department, Government of Orissa. However, any construction undertaken within the above area shall also be compounded on submission of clearance from the A.S.I. Authority in respect of height restrictions.
- (iii) Where construction has been undertaken unauthorisedly violating the requirement of parking space for Group Housing Projects.
- (iv) Where construction has been undertaken over public/private road and on the alignment of the natural drainage channel identified by the Development Authority.
- (v) Where construction has been undertaken violating the height limitation for the area notified by the Airport Authority, Archaeological Survey of India, State Archaeology(Specified by the A.S.I./State Deptt. of Archaeology).
- (vi) Where the plot does not have any authenticated access / approach to the plot.
- (vii) Where the kism of land is not converted to non-agriculture.
- viii) Where the land on which the building situates, is not in conformity with the land use in the Development Plan and Zoning Regulation enshrined in the Bhubaneswar Development Authority (Planning & Building Standards) Regulations, 2001.
- (ix) Where construction of multi-storied building has been undertaken after the publication of B.D.A. (P. & B.S.) Regulations, 2001.

5. COMPOUNDING RATE:

- (A) Compounding rates for various categories shall be as follows :--

Situations	Rate of Compounding fee in Rs. / Sft.			
	Residential/ Institutional	Group Housing	Commercial, Industrial	Central Govt., State Govt. Public Sector Undertaking
Construction undertaken deviating approved plan beyond the norms of Regulations for the unauthorised portion.	25	40	50	01
Construction undertaken without approval of plan but violating norms.	30	50	100	01

Note: (i) The scheme and rates will be valid for a period of six months from the date of notification of this Regulation in the Orissa Gazette.

(ii) The above rate of compounding fee as reflected in the table shall be applicable for unauthorized/deviated construction up to 2.5 FAR and in case of FAR exceeding 2.5 and up to 3.00 the compounding fee shall be charged double the above rate. No deviation shall be regularized if, the FAR exceeds 3.00.

- (B) In case of regularization of construction undertaken in respect of plot size up to 1000 Sft. with maximum built up area of 1000 Sft. A lump sum compounding fee of Rs. 5,000 shall be charged.
- (C) In case of buildings used for commercial/mixed occupancy having deficit in parking requirements as per the Building Regulations in force, the deficit parking shall be regularized on payment of Rs. 1,000 per Sft.
- (D) Where construction has been undertaken inside 1 Mtr. setback on three sides, (i.e. right, left and rear) No Objection Certificate from the adjoining neighbours shall be submitted. However, for the plots having a maximum width of 30'.00" and a maximum area of 1,500 Sft., the regularization of construction shall be considered without insisting upon N.O.C. from neighbours.

The N.O.C. from the neighbours shall not be required where the applicants his/her neighbours have undertaken construction within the prohibited Area. In such cases additional compounding fee of Rs.300 per Sft. shall be charged for the construction undertaken within the prohibited Area.If N.O.C. from the neighbours have been submitted the above additional compounding fee shall not be charged.

- (E) In case of buildings with three and more floors within 15 Mtrs. height(Except self occupied four storied residential building) , "Structural Stability Certificate" shall have to be submitted.
- (F) The application for regularisation of unauthorised construction shall be filled in and submitted to Bhubaneswar Development Authority within a period of six months from the date of publication of this notification in *Orissa Gazette* as per procedure detailed below at Clause –6.
- (G) Bhubaneswar Development Authority shall not accept any application if the same is not authenticated by an Architect/Engineers registered with Council of Architecture, India/Institute of Engineers(India) and empanelled with B.D.A.
- (H) The deposit of compounding amount shall be in addition to the scrutiny fee required to be deposited as per Rule 18 of O.D.A. Rules, 1983. The rates of scrutiny fee are furnished at Annexure-I.

6. APPLICATION PROCEDURE :

The intending plot owners/developers desirous of availing the Scheme shall apply in the prescribed Form-A along with the following documents within six months from the date of publication of this scheme in the *Orissa Gazette* :---

- Four copies of building plans as per actual construction at site showing site plan, layout plan, floor plan, four side elevations, drainage and sewerage disposal plan, etc. duly signed by the plot owner / developer and the Architect.
- Copy of ownership document of land.
- Copy of the approved plan and approval letter, if any.
- Affidavit in the prescribed Form-B regarding peaceful possession of the land and construction undertaken at site.
- Certificate in prescribed Form-C on structural stability of the building by a Structural Engineer as the case may be .
- The applicant has to submit the photograph of the building/house from two angles duly signed by the applicant and attested by the concerned Architect with date. The applicant shall have to affix his own recent photograph on the body of the application and the affidavit to be submitted to the Authority.

7. FEES :

- (a) Scrutiny Fee :---The applicant shall have to pay the scrutiny fee as per the rates prescribed in O.D.A. Rules, 1983, as per Annexure-I.
- (b) Compounding Fee :---The application shall be accompanied by self assessed compounding fee as per the rates specified at Clause 5(A). The scrutiny fee and the compounding fee shall be deposited with B.D.A. in one installment only in the form of two separate bank drafts drawn in any nationalised bank payable at Bhubaneswar in favour of "Bhubaneswar Development Authority". The differential amount, if any, shall be paid within 30 days from the date of receipt of intimation from B.D.A. Extra amount, if any, shall be refunded without interest.

8. PENALTIES :

In the event of misrepresentation or / and suppression of facts, the compounding fee shall be forfeited and the permission for regularization so issued shall be revoked.

The matter shall be reported to the Council of Architecture, New Delhi for cancellation of the license / registration of the concerned Architect. This shall also warrant criminal prosecution against the applicant / architect.

9. MISCELLANEOUS :

Applications, complete in all respects, shall be dealt with on "first-cum-first served" basis and disposed off within a maximum period of six months from the date of submission of the application.

The groups consisting of representatives of Bhubaneswar Development Authority, Public Health Engineering Deptt./ Municipal Engineer will form a panel to take up random checking of the construction on the site.

The Authority reserves the right to initiate proceedings against unauthorised / deviated constructions under the O.D.A. Act, 1982 where the cases cannot be regularized under this scheme.

Any person aggrieved by the decision of the Authority may prefer appeal under Section 18 and 91 of the Orissa Development Authorities Act, 1982 and the decision of the Appellate Authority shall be final.

Summary of the cases disposed of under the scheme shall be published through a public notice as provided in the relevant Regulation of the Authority.

KALU CHARAN SAHU
Secretary

FORM A

APPLICATION FOR REGULARISATION OF UNAUTHORISED / DEVIATED CONSTRUCTION OF BUILDING WITHIN DEVELOPMENT PLAN AREA OF BHUBANESWAR DEVELOPMENT AUTHORITY

(Form to be filled in by the applicant in block letters)

NAME:
PRESENT POSTAL ADDRESS:
(FOR CORRESPONDENCE)

FOR OFFICE USE

Registration No. :
Fees realised in Rs. :
(i) Scrutiny fee:
draft No. & date:
(ii) Compounding fee:
draft No. & date :

Tel. No. :

To

The Vice-Chairman,
Bhubaneswar Development Authority,
Bhubaneswar.

Affix recent
photograph of the
applicant with
signature on the
body of the
photograph.

Sir,

I/we hereby apply for regularisation of unauthorised/deviated construction
as mentioned below:

- Name of the applicant:
- Applicant's interest in land with
record- of-rights. : Owner ☐ Power of Attorney holder ☐
- Plot No. :
- Area in Sft. :
- Mouza :
- Nature of ownership
(lease hold/ sthitiban) :
- Category of the building
(Referred to categories detailed at clause 5-A of the Scheme)
- Land use in C.D.P. :
- Kisam of the land :
- Approach road : Private ☐ Public ☐
- Road width :
- Whether connected to
existing public road : Yes ☐ No ☐
- Distance from A.S.I. protected monuments :
Within 100 Mtrs. :
Up to 300 Mtrs. :
Beyond 300 Mtrs. :

- Whether coming within Airport funnel zone ? If yes, distance from runway end :
- Whether coming within Airport Transition zone ? If yes; distance from boundary of the Airport. :
- Height of the existing building :
- Total deviation in Sft. :
- (Please refer Form-D) :
- Documents/plans furnished : : (√) (X)
 1. Copy of ownership document :
 2. Copy of kisam conversion certificate/ money receipt for conversion , if necessary. :
 3. Four ammonia print copies of plan as per actual construction at site :
 4. Photo copy of approved plan and approval letter, if any :
 5. Affidavit (in the Form-B) :
 6. Photographs of the building from two angles existing at the time of application, signed by the applicant and attested by the Architect with date. :
 7. Structural Stability Certificate (in Form-C) from a Structural Engineer in case of building exceeding two floors. :
 8. Land use Map to be obtained from B.D.A's. G.I.S. counter :
 9. Deposit details:

(i) Scrutiny fee: Amount in Rs. Draft No.

 Drawee Bank/Branch

(ii) Compounding fee: Amount in Rs. Draft No.
 Drawee Bank/Branch

Date:	Signature of the Architect	Signature of the applicant(s)
Place:	Name:	Name:
	Regn. No.:	Postal address :
	Postal address:	
	Tel. No. :	Tel. No. :

FORM B**AFFIDAVIT**

(To be sworn by the applicant)

I/we, Shri/Smt. _____ aged _____
 _____ years, son/daughter/wife of Shri/Kumari/Smt. _____
 _____ of _____ village
 _____ P.S. _____ Dist. _____
 _____ do hereby solemnly affirm as follows:

1. That I/We have obtained a plot/building by way of purchase/lease/gift/family partition/court decree from _____ of _____ village measuring an area Ac. _____ vide deed No. _____ Dt. _____ the details of which are given in the schedule below.

SCHEDULE OF PROPERTY

Name of the Mouza/Village :

Tahasil :

Sabak/Hal Plot No. :

Khata No. :

Area :

Layout plot (Drawing) No. :

Approved by B.R.I.T./B.D.A. vide letter No. _____, dated _____

BOUNDED BY (Please mention plot numbers/road)

Eastern side : Western side :

Northern side : Southern side:

2. That from the date of acquisition, I/we am/are in lawful and peaceful possession over the above plot.
3. That I/we have not constructed the building or any part thereof beyond my/our legally owned land.
4. That I/we have not encroached any Govt. land or any other land abutting or contiguous to my aforesaid land.
5. That the plan submitted for regularisation is exactly as per the actual construction at site.
6. That the information furnished in the application form and documents submitted along with application are correct.
7. That the restrictions imposed in Para. 4(Four) of the scheme are not applicable to this proposal.
8. That I/we undertake the responsibility of structural safety of the building and B.D.A. shall in no way be held accountable for any structural failure of the building.
9. That in the event of any suppression and/or misrepresentation of facts in the application, the Authority has got every right to refuse the permission/ revoke the permission and forfeit the compounding fee deposited by me/us and I/we shall be liable for criminal prosecution.

Identified by:

DEPONENT

STRUCTURAL STABILITY CERTIFICATE

This is to certify that I/we have checked the structural stability of the existing storey building constructed over the plot No. Mouza..... The existing construction of the building is structurally safe as per the provision of the National Building Code of India taking into account the safety factors especially for cyclone, earthquake and other natural calamities.

Date :
Place :

Signature with seal of Structural Engineer
Name:
Regn. No.:
Office postal address:
Ph. No.:

Signature of the applicant
Name:

Postal Address:
Tel. No.:

B U I L D I N G D E T A I L S A N D C A L C U L A T I O N S H E E T

Sl. No	Category	Actual construction at site			Provision as per Regulation			Provision as per approved plan, if any			VIOLATIONS						
											Construction undertaken deviating approved plan but beyond norms of Regulation, 2001			Construction undertaken without approval and violating the norms of Regulation, 2001			Total
		A	B	C	A	B	C	A	B	C	A	B	C				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
1	Front setback																
2	Rear setback																
3	Right side setback																
4	Left side setback																
5	FAR																
6	Height in ft.																
7	Stilt / Basement																
8	Ground floor																
9	First floor																
10	Second floor																
11	Third floor																
12	Fourth floor																
13	Fifth floor																
14	Sixth floor																
15	Seventh floor																
16	Eighth floor																
17	Parking area in Sq. ft.																
18	Total deviation in Sq. Ft.(up to 2.5 FAR).																
	FAR beyond 2.5 up to 3.0																
19	Compounding rate in Rs.(up to 2.5 FAR).																
	FAR beyond 2.5 up to 3.0																
20	Total compounding fee in Rs.																

F O R M D

Plot No.:

REVENUE MOUZA:

PLOT AREA IN SQ. FT. :

- A. Residential other than Group Housing
- B. Institutional, Commercial, Industrial, Group Housing and other types (to be specified).
- C. Central Govt., State Govt., Public Sector Undertakings and Nationalized Banks.

UNDERTAKING

Certified that the above information in the calculation statement is correct. We undertake that if at any time the above information or statement are found to be incorrect, fraudulent or there is any suppression of fact, we shall be liable for criminal prosecution as per law.

FOR OFFICE USE

Signature of the Architect
Name in Block letter:
Registration No.
Date:

Signature of the Applicant
Name in Block letter:
Address :
Date:

Signature of the Verifying Officer
Name in Block letter:
Designation:
Date:

Signature of the Countersigning Officer
Name in Block letter:
Designation:
Date:

Signature of the Approving Officer
Name in Block letter:
Designation:
Date:

AFFIDAVIT

(N.O.C. from neighbour)

(By the Owner of the neighbouring plot)

I/we, Shri/Smt.....
aged.....Son/daughter/wife of Shri/Kumari/
Smt.....
Village.....P.O.....P.S.
Dist..... do hereby solemnly affirm as follows :

That, I/we own a plot of land/building bearing No. of
Village/ Unit P.O.....
P.S..... on the North/South/East/West side of Plot
No./House No. of
Village/Scheme..... owned by Shri/Smt.
.....
aged.....Son/daughter/wife of Shri/Kumari /Smt.....
.....Village.....P.O.....
P.S.Dist.....

That, I/we have no objection for the construction undertaken by Shri/Smt..... over above plot with less than 1 metre/Zero set back on the North/South/East/West side of my/our plot/ house.

That, this affidavit is required to be produced before the B.D.A. for regularization of construction undertaken over above plot by Shri/Smt. in Village/ Unit..... under the provisions of Clause 72(2) of B.D.A. (P. & B. S.) Regulations, 2001 (Amended 2007 or as may be amended from time to time).

That the facts stated above are true to the best of my knowledge and belief.

D E P O N E N T

Identified by:

ANNEXURE I

SCRUTINY FEE

Sl. No.	Details of construction and area	Fee in Rupees
1	2	3
(A)	Fee for development of land	@ Rs. 0.50 per Sq. Mtr.
(B)	Fee for building operation	
(i)	For residential building (covered area on all floors) (a) Up to 100 Sq. Mtrs. (b) Above 100 and up to 150 Sq. Mtrs. (c) Above 150 and up to 300 Sq. Mtrs. (d) For every additional 50 Sq. Mtrs. or part thereof	150.00 225.00 300.00 300.00
(ii)	For commercial buildings (Business, Mercantile, Shops, Hotels / Assembly Buildings, Show Rooms, Business Offices, Godowns, Ware Houses, Banks, Cinemas, Theatres, Clubs, etc. (Covered area on all floors). (a) Up to 20 Sq. Mtrs (b) Above 20 and Up to 50 Sq. Mtrs. (c) For every additional 50 Sq. Mtrs. or part thereof.	250.00 375.00 500.00
(iii)	For Industrial building (Covered area on all floors) (a) Up to 150 Sq. Mtrs. (b) For every additional 50 Sq. Mtrs. or part thereof.	750.00 500.00
(iv)	For public buildings : (Educational, Religious, Charitable, Government or all local body uses) (Covered area on all floors).	@ 0.50 per Sq. Mtr.